

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NAOMI JOHANNES, individually and on behalf of her  
infant grandchildren, SIMONE DOMENICK and BRANDYN  
AGUILAR,

Plaintiffs,

-against-

THE ADMINISTRATION FOR CHILDREN'S SERVICES,  
JOHN MATTINGLY, individually and as Commissioner  
of the Administration for Children's Services, BERTINA  
CAPIUANO, individually and as the ACS Bronx County  
Borough Director, OMO ESERE, individually and as a ACS  
supervisor, DOROTHY L. BAKER, individually and as ACS  
Supervisor, SHARON SIMMONS, individually and as ACS  
caseworker, THE CATHOLIC GUARDIAN SOCIETY, the  
CITY OF NEW YORK and the STATE OF NEW YORK,

Defendants.

JUDGE CROTTY

08 CV 2384

NOTICE OF  
WITHDRAWAL  
OF COMPLAINT

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: APR 28 2008

Alfredo a Johannes, Esq., an attorney duly admitted to practice before the United State  
District Court - Southern District of New York, respectfully certifies as follows:

I am the attorney for the Plaintiffs, am fully familiar with the facts and circumstances  
surrounding this action and make this certification in support of Plaintiffs' Notice of Withdrawal  
of the Complaint.

With the court's permission Plaintiffs, by counsel, respectfully request that this writing be  
accepted as a formal withdrawal of the above-entitled action.

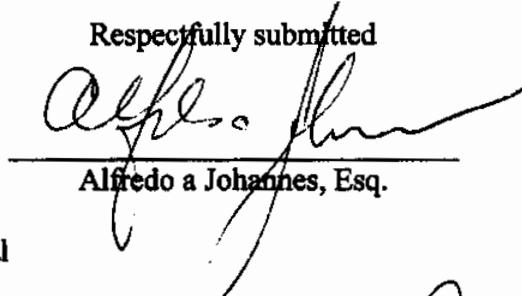
Based upon the recent developments in the Family Court action it now appears that the  
issues raised in this Federal action can be addressed in the Family Court and in the State's  
Appellate Division.

It is still Plaintiff's position, now, as it was in the complaint that abuses complained of are systemic. However, in terms of the action in the Family Court the very commencement of the Federal action curtailed those abuses, at least with respect to the Plaintiffs. Immediately after the commencement of the Federal action the Law Guardian called to make arrangements to see the infant Plaintiffs. She still has not actually seen the infants but at least she has taken a step in the right direction. The Family Court has granted Naomi Johannes permission to present expert witness (es) in her defense. The Family Court has also agreed to provide funds to secure those expert services. The Family Court also issued an order that now allows Naomi Johannes to visit with the infants at home, although Naomi Johannes still remains homeless.

I wish to thank the Court for all the consideration that has been afforded to Plaintiffs and to myself. *The Clerk of Court is directed to close out this case.*

Certified: New York, New York  
April 21, 2008

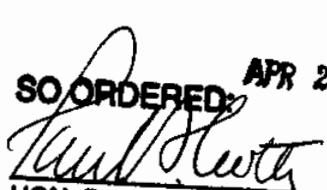
Respectfully submitted

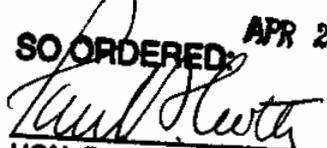
  
Alfredo a. Johannes, Esq.

Office of the Attorney General  
Of the State of New York  
Amy Abramowitz, Esq.  
Assistant Attorney General

Corporation Counsel of  
The City of New York  
Jessie Levine, Esq.,  
Senior Counsel

David Lore, Esq.  
Attorney for the Catholic Guardian Society

  
APR 28 2008  
SO ORDERED,

  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

**ALFREDO a JOHANNES, ESQ.**  
**ATTORNEY AND COUNSELOR AT LAW**  
**333 EAST 43<sup>RD</sup> STREET – SUITE 12C ♦ NEW YORK, NEW YORK 10017 ♦ (347) 495-6437 ♦ FAX (718) 659-5171**

April 28, 2008

Hon. Judge Crotty  
United States District Court  
Southern District of New York  
VIA ECF

Re: Case No. 08CV2384  
Notice of Withdrawal

Dear Hon. Judge Crotty:

I had some difficulty filing the attached Notice of Withdrawal via ECF. I trust that this attempt to file will be successful.

I thank you very much for your kind consideration.

Respectfully submitted

Alfredo a Johannes